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SUBJECT: RWANDA: FRANCE READY TO NORMALIZE RELATIONS

REF: KIGALI 816

Classified By: Acting Political Counselor Andrew Young,
1.4 (b/d).

1, (C) SUMMARY: France remains committed to normalizing relations with Rwanda, MFA AF DAS-equivalent Helene Le Gal told us on October 4, but the main obstacle continues to be Rwanda's fierce opposition to the warrants against nine Rwandan officials for complicity in events leading to the 1994 genocide, the issuance of which caused Rwanda to sever diplomatic relations in November 2006. The French have tried, with little apparent success, to explain the independent nature of France's judiciary. Le Gal described a small but sad comedy of errors between the French judiciary and the International Criminal Tribunal for Rwanda concerning two Rwandans in France who are the subject of an ICTR extradition process. END SUMMARY.

12. (C) MFA DAS-equivalent Helene Le Gal on October 4 provided a succinct update on Rwandan issues. She noted the September 12-13 visit to Rwanda of a French team led by MFA A/S-equivalent Jean de Glinasty and Foreign Minister Bernard Kouchner's senior AF Advisor Laurent Contini (reftel). As background, Le Gal said that for some months France had been seeking ways of normalizing relations with Rwanda, which had been severed when then-anti-terrorism Judge Bruguiere issued a report in November 2006 that in effect served as the basis for international arrest warrants against nine senior Rwandans and included a recommendation that President Kagame be prosecuted in connection with the 1994 Rwandan genocide. Since then, Belgium had represented French interest in Rwanda. (NOTE: Not long after issuing his report, Judge Bruguiere resigned his judgeship and sought election to the National Assembly but was defeated during the spring 2007 elections. Le Gal expressed mild irritation that Bruguiere had issued his controversial report and then abruptly left others to contain the damage the report generated. END NOTE.)

13. (C) Le Gal explained that the GOF needed to have contact directly with the Rwandans and was not comfortable relying on intermediaries such as Belgium, which, however well intentioned they might be, "always have their own agendas." Belgium helped arrange the Glinasty/Contini visit, the purpose of which was to hear from the Rwandans themselves what Rwanda wanted in order for relations to be normalized.

14. (C) Le Gal said that the major issue separating the two countries was Judge Bruguiere's November 2006 report and the arrest warrants it spawned. (NOTE: Le Gal did not mention any of the other topics of Rwandan concern, as reported reftel. END NOTE.) The Rwandans insisted to Glinasty and Contini that something had to be done to cancel these warrants before Rwanda could consider normalizing relations. The French team tried to explain to the Rwandans that the

French judicial system operates quite independently of the other branches of government and that it is virtually impossible for an outside agency to shut down arbitrarily or manipulate a judicial process once one has begun. Le Gal said that the French had tried to explain this principle to Rwandans on several occasions since the issue arose and that Gliniasty and Contini, as in the preceding instances, had no luck winning over the Rwandans, who found it hard to believe that the rest of the French government could not overturn a judicial action, especially one that was "so wrong," in Kigali's view.

15. (C) Le Gal indicated that the French would continue to try to seek ways to improve relations but she was not able to identify any next steps. She noted that FM Kouchner had met with his Rwandan counterpart on the margins of the UNGA (see September 27 Paris Points) but that a visit by Kouchner to Rwanda, which he had earlier stated he would like to accomplish in the near term, was not presently being planned. However, if there were progress or if the Rwandans sent more positive signals, France was ready to move forward, Le Gal remarked.

ICTR

16. (C) Le Gal commented briefly on the case of Rwandans Wenceslas Munyeshyaka and Laurent Bucyibaruta, who had been arrested in July and who were the subjects of extradition hearings in France at the request of the ICTR, which has accused them of involvement in the 1994 genocide (see Paris Points for August 1, 3, 9 and September 27). The case had been in and out of a French court several times, with the court requesting further information on each occasion from the ICTR. The court will next convene on November 21 and may issue a ruling at that time.

17. (C) Expressing her own frustration with both the French judiciary and the ICTR, Le Gal said that the case was descending into farce. The main problem is that when the two were arrested, the French told the ICTR that the two could be prosecuted under French law for their alleged role in the genocide or turned over to the ICTR. The ICTR, according to Le Gal, has never clearly stated whether it would allow the French to prosecute, whether it wanted to prosecute them without France's involvement, or whether, after an ICTR prosecution, the ICTR would then want to return the two to France for prosecution by the French. The French court has repeatedly asked for clarification but has not received a response meeting the French court's standards.

18. (C) To compound matters, Le Gal said that the French court has exhibited the worst aspects of France's vaunted "judicial independence." The ICTR sent one document to the French court, but it was a photocopy, so the French court sent it back, demanding an "original," thus wasting time. On another occasion, the ICTR sent a document in English, which the French court rejected because it was not in French. Le Gal described this merry-go-round as a complete and wasteful distraction that had little to do with the actual merits of the case, and which cast the judges and lawyers involved in the worst possible light as form-over-substance bureaucrats rather than as practitioners of the law. Meanwhile the case lingers and remains a minor irritant (relative to Bruguiere's arrest warrants) that hardly advances anyone's interests, let alone the actual case against the two Rwandans. Le Gal seemed resigned to further such antics until the November 21 hearing. However, she muttered, "who knows what will happen then, or between now and then?"

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